

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

USA

*

*

vs.

*

0649 2:20CR00031-001

*

JAMES ELLISON CATOE

*

SENTENCING MEMORANDUM

The Defendant, James Ellison Catoe, is before this Honorable Court for sentencing on one Count of "Distributing Child Pornography" which carries a sentencing range of five to twenty years, plus fines and costs. The guideline exceeds the twenty year maximum of the Statute and the Defendant asserts it is not applicable.

The Defendant is a forty-seven year old male who has no prior criminal record. In fact, the Defendant has served honorably in the United States Army. The Defendant was seriously injured in Bosnia in the middle 1990's. The Defendant was diagnosed with PTSD. He remained in the military, and, was thereafter deployed to Iraq where he participated in the military operation in 2011. The vehicle in which he was riding was the target of a roadside attack resulting in the Defendant receiving a traumatic brain injury from the explosion. In 2014, the Defendant was discharged from the military receiving a seventy percent total disability rating. The Defendant has a wife and family. The Defendant has financially supported his family and maintained full time employment as a truck driver.

Subsequent to the Defendant receiving the brain injury, he

suffered significant personality changes which has resulted in poor impulse control and a general inability to make appropriate decisions regarding his conduct. The Defendant has received continuous psychological and/or psychiatric care from the Veteran's Administration since his discharge, and, in fact, he was still under their care and treatment at the time of his arrest.

The Defendant became involved in the material which led to his arrest by accident while attempting to find a family resource online to discuss his marital difficulties. It turned out this particular website was not what it appeared to be and he became involved in receiving and distributing child pornography.

The Defendant has been notified by the Veteran's Administration that all benefits to which he was entitled are being terminated due to his conviction in this case.

The Defendant would submit that taking into consideration his life to this point, the ends of justice would be best served with a sentence in the seven to nine year range, the mandatory minimum, but yet a significant amount of time.

RESPECTFULLY SUBMITTED,



ATTORNEY FOR THE DEFENDANT

* * * * *

**ASSISTANT U.S. ATTORNEY
ANDREW CHEATHAM PARKER
220 WEST DEPOT ST., SUITE 423
GREENEVILLE, TN 37743
(423) 639-6759
Andrew.Parker@usdoj.gov**

**DEFENSE COUNSEL
H. RANDOLPH FALLIN
303 WEST MAIN ST.
MOUNTAIN CITY, TN
37683
(423) 727-9300
fallin_law@yahoo.com**